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Committees:
Transportation • Technology, Telecommunications & Energy • Capital Budget • Rules

March 2001

Dear Neighbors,


First, I'd like to thank you for the continued honor of representing the 38th District in the state House of Representatives. I certainly look forward to working with you to address the challenges and opportunities facing Snohomish county.

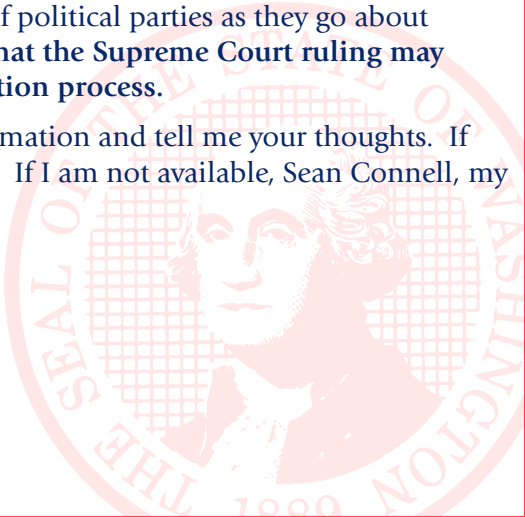
Thank you for taking time to review this newsletter. **The subject is our state's election laws – specifically, the way our primaries are conducted.**

As most of you know, The U.S. Supreme Court has ruled against California's open, blanket primary system, which is similar to ours. California's system, said the Supreme Court, infringes on the First Amendment rights of political parties as they go about selecting nominees. **I want to emphasize here that the Supreme Court ruling may impact only our primary – not the general-election process.**

Please take a few minutes to review this information and tell me your thoughts. If you have any questions, please contact my office. If I am not available, Sean Connell, my Legislative Assistant, will help you.

Respectfully,


Aaron Reardon
State Representative • 38th District



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Choices: I'd like to know your thoughts about these issues

Please take a few minutes to share your thoughts. When you're done, put this in an envelope and mail it to me. Thanks for your time and input.

Dear Aaron,

Sincerely,

Name _____

Address _____

City _____

If you'd like to receive regular updates by e-mail, please include your e-mail address: _____

Special Report on Elections

Representative Aaron Reardon • 38th District Report

Elections: Basic rights at stake for all Washington citizens

Based on the court’s decision that blanket primaries are unconstitutional, Alaska, too, has taken steps to end its blanket primary. **We’re now the only state with such a primary.**

Right now, our blanket primary has no requirement that voters declare a party affiliation when they register – you can vote for anyone and any party you want. Nor is there any public record of the party or candidate you support. Generally, the top vote-getters from each of the parties advance to the general election. Most states require major political parties to nominate statewide candidates by primaries. Alabama and Virginia laws permit the parties to use either primaries or conventions, and some states require political parties to hold pre-primary conventions to endorse candidates.

Most states require either that you declare a party affiliation when registering to vote or that you make such a declaration when you vote. In some states, a person’s party preference is sent to the parties on request.



Primary rules stem from our state’s progressive history

Nearly a century ago, Washington citizens reformed the system. Party conventions usually nominated candidates from the time of statehood in 1889 until 1907, when direct primaries were established and voters asked for a specific party’s primary ballot.

By 1935, an initiative made Washington the first state in the nation to adopt a blanket-primary system, which is what we currently use. Alaska followed suit in 1947, and California – also by initiative – in 1996.

Our blanket-primary system here was upheld by the state Supreme Court in 1980. Two federal- court

decisions in the last couple years supported the California (and our) blanket primary. If the two major parties agreed, our state even today could probably keep the current system in place without violating the First Amendment.

According to Washington’s attorney general, the Supreme Court decision doesn’t hold that a blanket primary is by definition unconstitutional. Instead, she maintains that the decision says a state can’t force a political party to accept the state’s blanket primary as the method of selecting its nominees.

Political parties go to court

Washington’s Democratic and Republican parties last summer went to federal court to stop the use of the current blanket-primary system (Washington State Democratic Party, et. al., vs. Munro). A court order allowed continued use of the blanket primary through last September’s primary. But the federal court added that the parties must present a proposal for a permanent injunction on the blanket-primary system by March 1, 2001.

A response from the secretary of state is not due until 30 days after adjournment of this year’s regular legislative session or 30 days

after enactment of legislation — whichever date comes first. The secretary of state is not required to respond any sooner than 30 days after the response from the parties themselves.

Many legislators believe that if the parties would relinquish their court action to end the blanket primary, Washington could continue to conduct the primary as it is now. The Seattle Times reported (January 28, 2001) that both Democratic and Republican party central committee meetings have voted to “continue pressing lawmakers to end the state’s blanket primary.”

According to the attorney general, legisla-

tion can highlight one of two directions to meet the Supreme Court test:

- ❑ **Alter the primary so that only party members can participate in the selection of the party’s nominees.**
- ❑ **Change the nature of the state’s primary election from a nominating system to a “winnowing” system.**

A winnowing system permits voters to vote for any candidate, and a select number of top vote-getters advance to the general election regardless of party.

Alternatives for consideration

Sponsored by Democrats as well as Republicans, House Bill 1551 would preserve the blanket primary. The proposal calls for voluntary party registration, which would then become a public document. Candidates would have access to the ballot either by convention or by petition. The petition would require signatures from registered party members — and candidates would have to note party registration.

Another alternative is Initiative 751, sponsored by the state Grange. This proposal would allow parties to have “official” candidates on the ballot. Candidates who don’t receive the party’s endorsement could be “affiliates.” The Grange plan wouldn’t require party registration — and all candidates receiving more than one percent of the vote in the primary would go on to the general election. If any provisions of this plan are held invalid, Washington elections would be conducted on a nonpartisan basis without any party designation on the ballot.

What other states do

In other states, a wide variety of primaries are held. Some of their requirements:

- ❑ Require party identification when you register to vote.
- ❑ Exclude independents and voters not affiliated with a major party.
- ❑ Allow independents to select the ballot of a major party.
- ❑ Require voters to publicly declare which party’s ballot they want at the polls.
- ❑ Permit the choice of a party ballot in the voting booth.
- ❑ Don’t require party registration, and do allow voters to vote for any candidate. The top vote-getters advance to the general election – a requirement that could result in two candidates from the same party facing each other in the general. A candidate receiving more than 50 percent of the primary vote is declared the winner.



Special Report on Elections